Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of:	)	
	)	
Pappas Southern California License, LLC	)	
	)	CSR-5824-M
v.	)	
	)	
Strategic Technologies	)	
	)	
Request for Mandatory Carriage of	)	
Television Station KAZA-TV,	)	
Avalon, California	)	
	)	

MEMORANDUM OPINION AND ORDER

Adopted: March 8, 2002 **Released: March 13, 2002**

By the Chief, Consumer Protection and Competition Division, Cable Services Bureau:

I. INTRODUCTION

1. Pappas Southern California License, LLC ("Pappas"), licensee of television broadcast station KAZA-TV, Channel 54, Avalon, California ("KAZA" or the "Station") filed the above-captioned must carry complaint against Strategic Technologies ("ST"), for failing to carry KAZA on its cable system serving Stevenson Ranch, California. No opposition to the complaint was received.

II. BACKGROUND

2. Pursuant to Section 614 of the Communications Act and implementing rules adopted by the Commission in *Implementation of the Cable Television Consumer Protection and Competition Act of 1992*, Broadcast Signal Carriage Issues ("*Must Carry Order*"), commercial television broadcast stations are entitled to assert mandatory carriage rights on cable systems located within the station's market.[1] A station's market for this purpose is its "designated market area," or DMA, as defined by Nielsen Media Research.[2] A DMA is a geographic market designation that defines each television market exclusive of others, based on measured viewing patterns.

[1] 8 FCC Rcd 2965, 2976-2977 (1993).

[2] Section 614(h)(1)(C) of the Communications Act, as amended by the Telecommunications Act of 1996, provides that a station's market shall be determined by the Commission by regulation or order using, where available, commercial publications which delineate television markets base on viewing patterns. *See* 47 U.S.C. § 534(h)(1)(c). Section 76.55(e) requires that a commercial broadcast television station's market be defined by Nielsen Media Research's DMAs.

3. Pursuant to the Commission's must carry rules, cable operators have the burden of showing that a commercial station that is located in the same television market is not entitled to carriage.[3] One method of doing so is for a cable operator to establish that a subject television signal, which would otherwise be entitled to carriage, does not provide a good quality signal to a cable system's principal headend.[4] Should a station fail to provide the required over-the-air signal quality to a cable system's principal headend, it still may obtain carriage rights because under the Commission's rules a television station may provide a cable operator, at the station's expense, with specialized equipment to improve the station's signal to an acceptable quality at a cable system's principal headend.[5]

III. DISCUSSION

4. In support of its complaint, KAZA states that it is a full power television station licensed to Avalon, California, which is in the Los Angeles DMA.[6] It states further that ST operates a cable television system, which is also in the Los Angeles DMA.[7] KAZA asserts that it formally requested that ST commence carriage of its signal on the cable system at issue.[8] KAZA claims that ST did not respond to its request for mandatory carriage in violation of the Commission's rules, which require cable operators to respond in writing to requests for carriage within 30 days of receipt of such request.[9] KAZA requests that the Commission order ST to commence carriage of its signal on the cable system in question.[10]

5. Section 76.55(e) of the Commission's rules provides that commercial television broadcast stations, such as KAZA, are entitled to carriage on cable systems located in the same DMA.[11] As noted above, cable operators have the burden of showing that a commercial television station that it located in the same television market is not entitled to carriage.[12] We find that ST has failed to meet its burden. ST did not respond within 30 days to KAZA's letter requesting carriage as required by the Commission's rules nor did it file an opposition to KAZA's must carry complaint.[13] Thus, we find that KAZA is entitled to mandatory carriage on the ST cable system at issue. Based on the foregoing, we grant KAZA's complaint.

IV. ORDERING CLAUSES

6. Accordingly, **IT IS ORDERED**, pursuant to Section 614 of the Communications Act of 1934, as amended (47 U.S.C. § 534), that the must carry complaint filed by Pappas Southern California License, LLC, licensee of television broadcast station KAZA-TV, Avalon, California, against Strategic

[3] *See Must Carry Order*, 8 FCC Rcd at 2990.

[4] 47 C.F.R. § 76.55(c)(3).

[5] *Must Carry Order*, 8 FCC Rcd at 2991.

[6] Complaint at 2.

[7] *Id*.

[8] *Id*. and Exhibits A, C.

[9] Complaint at 2-3. *See* 47 C.F.R. § 76.61(a)(2).

[10] Complaint at 4.

[11] 47 C.F.R. § 76.55(e).

[12] *See Must Carry Order*, 8 FCC Rcd at 2990.

[13] 47 C.F.R. § 76.55(c)(3).

Technologies **IS GRANTED**.

7. **IT IS FURTHER ORDERED** that ST **SHALL COMMENCE CARRIAGE** of the KAZA signal on its cable system serving Stevenson Ranch, California, within sixty (60) days from the date of the release of this *Order*.

8. This action is taken pursuant to authority delegated by Section 0.321 of the Commission's rules.[14]

FEDERAL COMMUNICATIONS COMMISSION

Deborah E. Klein, Chief
Consumer Protection and Competition Division
Cable Services Bureau

[14] 47 C.F.R. § 0.321.